



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

January 2, 1974

The Honorable Clayton T. Garrison
Executive Director
Texas Parks & Wildlife Dept.
John H. Reagan Building
Austin, Texas 78701

Opinion No. H- 193

Re: Whether a member of
the Parks & Wildlife
Commission is entitled
to reimbursement for
expenses and payment
of per diem when attending
meetings which are not
regularly scheduled.

Dear Mr. Garrison:

Your request for an opinion concerns whether the Comptroller is authorized to approve a request by a member of the Parks and Wildlife Commission for reimbursement of expenses and payment of a per diem incurred while attending meetings on behalf of the Department.

We are advised by you that it is frequently necessary and desirable for members of the Commission to attend meetings, which are not regularly scheduled Commission meetings, throughout the State in furtherance of Departmental business.

Article 978f-3a, § 1, Vernon's Texas Penal Code, states, in part:

"(e) The Commission shall meet as often as it deems necessary, but shall meet at least once every quarter of the year "

"(f) Members of the Commission shall be reimbursed for their actual expenses incurred in attending meetings and shall be paid a per diem as set in the General Appropriations Act. "

The Honorable Clayton T. Garrison, page 2 (H-193)

The General Appropriations Act for fiscal 1974 and 1975, H. B. 139, 63rd Leg., 1973, at page III-III, Item 1 provides:

	"For the Years Ending	
	August 31, 1974	August 31, 1975
	<hr/>	<hr/>
"Personal Services - -		
"Per Diem of Commissioners (at \$100 per day NTE \$5, 000 per member)	\$30, 000	\$30, 000"

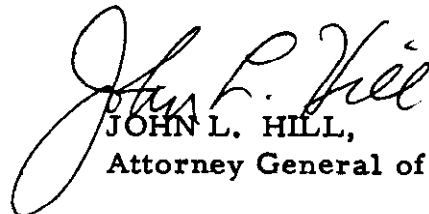
In accordance with the General Appropriations Act, the Commissioners are allowed a per diem of \$100 per day not to exceed \$5, 000 per member or a total appropriation of \$30, 000 for the fiscal year. Art. 978f-3a, § 1(f) states that "the Commission shall be reimbursed for their actual expenses incurred in attending meetings and shall be paid a per diem as set in the General Appropriations Act." The issue is whether the per diem is intended as compensation for days in attendance at all meetings or just Commission meetings.

Statutory words are to be interpreted according to the sense in which they were evidently used by the Legislature. Since the legislative intention is primarily found in the language of the statute, the words employed are ordinarily given their plain meaning. Article 10, V. T. C. S., 53 Tex. Jur. 2d Statutes, § 146. A statute that is plain and unambiguous will usually be interpreted literally. Exceptions may not ordinarily be read into a statute. 53 Tex. Jur. 2d Statutes, §§ 135, 144. It is therefore our opinion that members of the Commission may be paid a per diem as set in the General Appropriations Act for attending meetings even though they are not regularly scheduled commission meetings. See Attorney General Opinion H-58 (1973).

SUMMARY

A member of the Parks and Wildlife Commission may be entitled to receive reimbursement of expenses and per diem for meetings on behalf of the Department even though such meetings are not regularly scheduled Commission meetings.

Very truly yours,


JOHN L. HILL,
Attorney General of Texas

APPROVED:


LARRY F. YORK, First Assistant


DAVID M. KENDALL, Chairman
Opinion Committee